

State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for the years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room.

Austin, Texas, June 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1929, and ending August 31, 1931, as follows, to-wit: Abilene State Hospital; Austin State Hospital; Pasteur Institute; Confederate Home; Confederate Woman's Home; Deaf, Dumb and Blind Institute for Colored Youths; Girls Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; State Psychopathic Hospital at Dallas; State Psychopathic Hospital at Galveston; Terrell State Hospital State Tuberculosis Sanatorium; Wichita Falls State Hospital; State Cancer and Pellagra Hospital; Gilmer State Orphanage for Colored Children; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, June 3, 1929.

Hon. Barry Miller, President of the Senate.

We, your Committee on Finance, to whom was referred

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

## SECOND DAY.

Senate Chamber,

Austin, Texas,

Tuesday, June 4, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Pink Parrish.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Martin.  
Parr.

Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix).

**Committee Reports.**

(See Appendix).

**Bills and Resolutions.**

By Senator Berkeley.

S. B. No. 32, A bill to be entitled "An Act making an appropriation to pay claims of certain persons for losses sustained by reason of the establishment by the state of a non-cotton zone in Brewster County, Texas; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Berkeley.

S. B. No. 33, A bill to be entitled "An Act making an appropriation to be expended under the contingencies and in the manner provided in an Act passed by the First Called Session of the 41st Legislature and known as H. B. No. 180, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Berkeley.

S. B. 34, A bill to be entitled "An Act amending Section 3. of an Act passed by the First Called Session of the 41st Legislature known as H. B. No. 180, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Hornsby.

S. B. No. 35, A bill to be entitled "An Act prohibiting the shooting or discharging of any gun, pistol, or firearm of any kind in or along or across any public road in this State, and prescribing a penalty therefor."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Williamson.

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 218 of the General and Special Laws of the Regular Session of the 40th Legislature so as to permit blue uniforms in addition to dark grey to be worn by officers making arrests for violations of the laws of this State relating to the speed of motor vehicles; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 37, A bill to be entitled

"An Act authorizing Commissioner's Courts in counties in Texas having a population of at least 202,000 inhabitants and less than 210,000 inhabitants, as shown by the Census of 1920, in which are established hospitals jointly owned or operated by any city and county to levy a direct tax of not over ten cents on the valuation of one hundred dollars, for the purpose of erection of buildings, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 38, A bill to be entitled "An Act providing for the replevy by the defendant of personal property seized under sequestration; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson.

S. B. No. 39, A bill to be entitled "An Act to amend Article 1430, Title 8, of the Penal Code of the State of Texas, adopted at the Regular Session of the 39th Legislature, 1925, being an Act defining the receiving or concealing of stolen property, etc."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Williamson.

S. B. No. 40, A bill to be entitled "An Act to provide means to facilitate the sequestration of personal property and authorizing the courts by proper order made, to assist in the location of property sought by sequestration, and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Williamson.

S. B. No. 41, A bill to be entitled "An Act amending Article 1558 of the Penal Code of 1925, relating to the removal and disposition of mortgaged personal property; and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Williamson.

S. B. No. 42, A bill to be entitled "An Act regulating the lights and lightings and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles and bicycles in this State; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Woodward.

S. B. No. 43, A bill to be entitled "An Act relating to the issuance and use, by manufacturers and dealers, of demonstration number plates on motor vehicles; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Woodward.

S. B. No. 44, A bill to be entitled "An Act regulating and imposing duties and restrictions on certain public utilities; etc., and declaring an emergency."

The bill was read first time and referred to the Committee on State Affairs.

By Senator Hornsby.

S. B. No. 45, A bill to be entitled "An Act to adopt a general arbitration statute repealing the present general arbitration statute insofar as applicable to written contracts executed and delivered after this Act becomes effective; etc."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Patton.

S. B. No. 46, A bill to be entitled "An Act to amend Articles 2745, 2747, R. S. 1925, pertaining to the term of office of trustees in common school districts; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Education.

By Senator Patton:

S. B. No. 47, A bill to be entitled "An Act making an appropriation for the erection of a Memorial Building in memory of David Crockett, Texas hero of the Alamo, in a park now owned by the city of Crockett; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

S. B. No. 48, A bill to be entitled "An Act amendatory of Articles

2774, 2777, 2808, and 2922e, R. S. 1925, providing for the appointment or election and term of office of school trustees in all independent, consolidated and rural school districts; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendations to the Legislature of this State regarding the possible concentration and relocation of the prison system of Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Neal:

S. B. No. 50, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory attendance; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs

By Senator Neal:

S. B. No. 51, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Cousins:

S. B. No. 52, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across Lake Sabine at or near Port Arthur, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 53, A bill to be entitled "An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall

hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation, and Drainage.

By Senator Small:

S. B. No. 54, A bill to be entitled "An Act to amend Article 5338 of the Revised Civil Statutes of 1925, so as to withdraw from lease or sale or mineral permit all oil and gas upon and under any river beds and channels belonging to the public school, University asylum land, or other public lands within the State of Texas; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 55, A bill to be entitled "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a; providing that wherever the line or lines of any survey of land heretofore make across a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Neal and Love:

S. B. No. 56, A bill to be entitled "An Act providing for a local option method of determining the question of whether or not the county superintendent of schools in each county of this State shall be employed by the county board of trustees; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Cunningham:

S. B. No. 57, A bill to be entitled "An Act amending Art. 1723 of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that Court, and fixing their salaries; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 58, A bill to be entitled "An Act amending Art. 2889a, relating to school teachers and teachers' certificates, so as to better provide for and regulate teachers' certificates; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Westbrook:

S. B. No. 59, A bill to be entitled "An Act requiring trustees of public school districts to provide suitable United States flag for each school building of the district; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Westbrook:

S. B. No. 60, A bill to be entitled "An Act amending Art. 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or incumbrance against the same; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

#### Senators Excused.

On motion of Senator Hornsby, Senator Parr was excused for the rest of the week on account of important business.

On motion of Senator Wirtz, Senator Russek was excused for the day on account of important business.

On motion of Senator Moore, Senator Martin was excused for the day on account of important business.

#### Resolution Signed.

The Chair, President Pro Tem Pink Parrish, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 1.

**Messages From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:  
S. C. R. No. 2, Honoring the memory of Jefferson Davis.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:  
H. C. R. No. 2, Inviting the Honorable Dan Moody to address a joint session of the House and Senate at 2 p. m., June 4, 1929.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Invitation Extended.**

The Chair recognized Senator Wirtz who introduced Mayor Wilhelm of San Marcos who invited the Senate to attend an entertainment at San Marcos Friday afternoon and evening.

On motion of Senator Wirtz, the Senate voted to accept the invitation, leaving Austin at 4 p. m., or earlier if convenient.

**H. C. R. No. 2.**

The Chair laid before the Senate H. C. R. No. 2, Inviting Governor Dan Moody to address a joint session of the House and Senate at 2:00 o'clock p. m., today.

The resolution was read and adopted.

**Invitations Extended.**

Senator Hornsby extended to the Senate an invitation to attend a home-coming party at the Driskill Hotel tonight. The invitation was accepted.

Senator Stevenson sent up the following invitation:

**(TELEGRAM).**

Yoakum, Texas, June 3, 1929.  
Senator Gus Russek,  
State Senate, Austin, Texas.

Please extend to Gov. Barry Miller and the entire Senate a cordial invitation to attend Yoakum's Tomato Tom Tom celebration here next Thursday, June 6. The program is built around agriculture and will present diversified farming as the relief of the farmer needs. The business interests of Yoakum have recognized the necessity of providing help for the farmer in working out his problems and are making a success of the undertaking without Legislative help. There will be a gorgeous parade at 4 p. m., a pageant and a street dance at night; the American Legion exercises and public speaking at one p. m. We are not asking any special favor or specific Legislation but would like to have the Senate as our guests and to see the results of a real diversified farming program.

Chamber of Commerce of Yoakum.  
By W. T. Browning.

On motion of Senator Stevenson, the invitation was accepted.

**S. C. R. No. 3.**

Senator McFarlane sent up the following resolution:

Whereas, Due to excessive rainfall in and around some of the Penitentiary Farms, it has been reported that some of the Penitentiary Farms have been greatly damaged, and,

Whereas, Flood and health conditions have been reported bad, on some of the farms, as a result of said rainfall, and,

Whereas, accurate information is needed in regard to health, climatic, flood and other existing conditions in the Penitentiary System, therefore, be it,

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that a Committee of five members from the Senate, appointed by the Presiding Officer of the Senate, and ten members of the House, appointed by the Speaker of the House, be appointed to investigate said conditions in the Penitentiary System, and that their expenses be paid out of the Contingent Expense Fund, upon presentation of proper affidavits, and that

said Committee be requested to report back at the earliest possible time, at this Session of the Legislature, to the end that this Session shall have the benefit of the above information, in acting upon Penitentiary legislation.

McFARLANE,  
DeBERRY.

The resolution was read.

Senator Witt moved that the resolution be referred to a Committee to be selected by the Chair.

#### Recess.

On motion of Senator Witt, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Pink Parrish.

#### Joint Session.

At 2:00 o'clock the Chair announced that the hour for the joint session had arrived. The Senate retired to the House of Representatives.

#### After Joint Session.

At the conclusion of the joint session, the Senate returned to the Senate Chamber.

#### S. C. R. No. 3.

The question recurred upon the motion to refer S. C. R. No. 3 to a committee.

Senator McFarlane moved to table the motion. The motion prevailed by the following vote:

#### Yeas—12.

Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
McFarlane.	Williamson.
Miller.	Wirtz.

#### Nays—11.

Beck.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Witt.
Hornsby.	Woodul.
Love.	Woodward.
Neal.	

Present—Not voting.

Cousins.

Hyer.

Absent.

Greer.  
Moore.

Thomason.

Absent—Excused.

Martin.  
Parr.

Russek.

Senator DeBerry sent up the following amendment:

Amend S. C. R. No. 3 by striking out the words "5 and 10" and insert in lieu thereof the words "3 and 5."

DeBERRY.

The amendment was read and adopted.

Senator Witt moved to table the resolution as amended. The motion was lost by the following vote:

#### Yeas—7.

Hardin.  
Holbrook.  
Love.  
Neal.

Witt.  
Woodul.  
Woodward.

#### Nays—15.

Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
McFarlane.  
Miller.  
Parrish.

Patton.  
Pollard.  
Small.  
Stevenson.  
Thomason.  
Williamson.  
Wirtz.

Present—not voting.

Beck.

Hyer.

Absent.

Greer.

Moore.

Absent—Excused.

Parr.

(Pairs Recorded).

Senator Hornsby (present), who would vote yea with Senator Martin (absent), who would vote nay.

Senator Westbrook (present), who would vote yea with Senator Russek (absent), who would vote nay.

The resolution was adopted.

**Motion to Re-refer.**

Senator Cousins moved to re-refer S. B. No. 28 from the Committee on Judicial Districts to the Committee on Civil Jurisprudence. The motion prevailed.

**Messages from the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, June 3, 1929.

To the Members of the Forty-first Legislature:

I am submitting for your further consideration the proposed compact between the State of New Mexico, Texas, Oklahoma and Arkansas, concerning the control of the waters of the Canadian River. At the First Called Session of the Forty-first Legislature H. B. No. 80 was passed which adopted in principle the provisions of this compact with certain reservations expressed in Section 2 of the Act. It was provided that the compact was adopted subject to the conditions expressed in the reservations. These conditions were: First, that the State of Texas, in co-operation with the signatory states, and, as the case may be, with other states and the federal government, shall investigate the feasibility, practicability and utility of the project provided for in the compact. Second, that if such investigation should disclose the feasibility, practicability and utility of said project then a supplemental contract should be entered into by the State at interest or the State and federal government, as the case may be, in adopting a fair and equitable allocation between the several parties of the cost and benefits under the project.

As I understand the compact its practical effect is to authorize the construction of flood water reservoirs in the State of New Mexico with the cost of such improvements to be allocated between the states benefited according to the benefits received.

I entertain some doubts concerning the power of the Legislature to approve a compact between this State and other states which looks to the construction of improvements in other states, a part of the cost of

which is to be borne generally by the people of the State of Texas. As I understand this compact incorporates no specific territory in either a reclamation or irrigation district. If the compact looks to the ultimate incorporation of such districts no provision is made for the assessing of benefits to properties or the means by which funds shall be raised by the benefited properties to meet the cost of such improvements.

Through a conference with the Board of Water Engineers I am advised that from the standpoint of this State no scientific investigations have been made to determine the feasibility of the reservoirs evidently contemplated by the compact and that no engineering or other scientific information is available from the standpoint of this State to show whether the proposed project is economically sound. The portion of the flood waters of the Canadian River which would equitably belong to this State may prove to be of a tremendous value to Texas, and before any compact is entered into which surrenders any right of the State in such waters, it is my judgment that we should have the benefit of the very best of technical investigation and advice.

I have withheld any action on H. B. No. 80 and I submit the subjects covered by this Bill for your further consideration hoping that some better disposition of the subject may be reached before the time expires when I must act upon this Bill under the terms of the Constitution.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

Executive Office,

Austin, Texas, June 3, 1929.

To the Members of the Forty-first Legislature:

Attached hereto are copies of the following bills:

S. B. No. 62, being an Act authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories, contemplates the construction of dormitories at the College of Industrial Arts to be paid for out of the earnings of such dormitories and authorizes the issuance of obligations for the construction of such dormitories. It is supposed that the obligations will be secured by pledge

of the rentals, revenues and income from the dormitories. In Section 2 it is provided that the State Board of Education is authorized to invest the permanent public free school fund of the State of Texas in these obligations. It is my judgment that the State school fund should not be invested in this character of securities. I have taken no action on this bill. I submit the subject of amending the bill to eliminate the authority which it grants to invest the permanent school fund in the securities mentioned.

H. B. No. 97, being an Act to amend Article 6221, Title 109, Revised Civil Statutes, 1925, and prescribing certain rules with reference to the payment of pensions. You will observe that the last sentence in Section 1 of this bill is in the following language:

"Provided that it shall not be necessary for any Confederate Veteran otherwise eligible to a pension to be indigent or disabled or to show indigency or disability in his application in order to be entitled to said pension."

The amendment of Section 51 of Article 3 of the Constitution, as adopted at the General Election held on November 6, 1928, provides that:

"The Legislature may grant aid to indigent and disabled Confederate soldiers and sailors under such regulations and limitations as may be deemed by the Legislature as expedient."

I have withheld action on this bill. The subject of amending H. B. No. 97 to correct the matter referred to is herewith submitted.

A copy of the Act of the last session of the Forty-first Legislature, creating a State Board of Education, is attached hereto. You will notice that there is a defect in the caption of this bill in that it recites that the Board of Education thereby created is authorized to appoint a State Superintendent of Public Instruction, whereas the body of the bill makes no reference to this matter. In view of the fact that the Board of Education handles transactions upon which valuable property rights depend and in view of the fact that it is the head of our State educational system, I believe it wise to eliminate any question that might be raised by reason of the difference that exists between the caption and the body of the bill. I have with-

held any action on this bill. The subject of enacting a bill with reference to the Board of Education and the elimination of this conflict between the caption and body of the bill is submitted for your consideration.

H. B. No. 164, being an Act to amend Article 5172 of the Civil Statutes, and H. B. No. 165, being an Act to amend Article 1571 of the Penal Code. You will observe that in each of these Acts the caption mentions matters not in the body of the bills. I have withheld action on each of these bills. The subject of passing appropriate amendments to correct these defects is submitted for your consideration.

At the First Called Session of the Forty-first Legislature H. B. No. 178, being an Act which granted until February first to register motor vehicles, was regularly passed. I approved this bill on May 23, 1929. It is apparent from the reading of this bill that the author intended to fix the month of January as a period during which the license fees on motor vehicles might be paid. After approving this bill I discovered that the amendment to Article 6677, Revised Civil Statutes, 1925, had been worded in such a manner that one might legally avoid the payment of the license fees on his automobile for one-twelfth of the year; that is, for the month of January. I submit the subject of amending this Act to clarify the language in the particular mentioned.

Attached hereto is a copy of H. B. No. 104, which is an Act relating to the practice of barbering. This bill provides for the inspection of barber shops by members of the Board which is created by the terms of the bill, or its agents or assistants. Apparently the bill contemplates that this inspection shall be with regard to the sanitary conditions in the various barbershops inspected. The bill provides for a board of three members to be appointed by the Governor. It is evident that such a Board could not possibly inspect the many barbershops in this State and these inspections could only be carried out through agents or assistants appointed by the Board. The State Department of Health is responsible for the enforcement of health and sanitary laws and now has a staff of employees engaged in making in-

spections and enforcing these laws. If the Board created by this bill is also authorized to make similar inspections and charged with the responsibility of enforcing a part of the sanitary laws of the State, it would result in considerable duplication of work between this Board and the Board of Health. I have withheld action on this bill and I submit for your consideration the passing of an appropriate amendment to require that the State Department of Health conduct these inspections instead of the Board created by this bill.

Attached hereto is a copy of S. B. No. 55. This bill authorizes the Board of Control, with the consent of the Governor, to set aside certain lands at Rusk for use of the Rusk State Hospital and authorizes the sale of other lands in Cherokee County formerly used by the Prison System.

Section 5 of this bill declares that the sale and lease of certain lands by deed dated March 16, 1920, to L. P. Featherstone, was void. At this time the Attorney General has a suit pending for the recovery of the balance of the purchase price due on these lands, amounting to approximately \$50,000.00. This section of the bill would perhaps prevent a recovery by the State in the pending suit.

I have withheld action on this bill and submit for your further consideration the question of whether the Legislature desires to declare this transaction void and thereby defeat the State's suit for the recovery of the balance of the purchase price of the property sold in 1920.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

#### S. C. R. No. 4.

Senator Woodul sent up the following resolution:

Whereas, The Agricultural and Mechanical College of Texas, through its officers, alumni and student body, has presented to the Senate and the House of Representatives of Texas two service flags of that great institution, representing its membership in the service of the country during the recent World War; and

Whereas, The people of Texas are proud of this great institution and are proud of the wonderful record

which its student body and alumni made in the World War; and

Whereas, It is the desire of the Senate and of the House of Representatives that appropriate exercises should accompany the acceptance of these two splendid service flags; now therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Forty-first Legislature convene in joint session in the House of Representatives on Tuesday, June 11th, at eleven a. m., and that appropriate services be conducted, and that the President of the Senate and the Speaker of the House appoint such committees as may be necessary to carry out the purpose of this concurrent resolution; and that invitation be extended to the President and faculty of the Agricultural and Mechanical College, its alumni and student body to be present upon that occasion.

WOODUL,  
THOMASON,  
DeBERRY,  
McFARLANE,  
HYER.

Read and adopted.

#### Motion to Adjourn.

Senator Wirtz moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—8.

Cousins.	Stevenson.
Cunningham.	Thomason.
Miller.	Wirtz.
Pollard.	Witt.

Nays—17.

Beck.	Neal.
Berkeley.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Greer.	Moore.
Hardin.	

Absent—Excused.

Martin.	Russek.
Parr.	

**S. B. No. 44 Referred.**

The Chair, President Pro Tem. Pink Parrish, referred S. B. No. 44 to the Committee on Civil Jurisprudence.

Senator Stevenson moved that the bill be re-referred to the Committee on State Affairs.

Senator Woodul moved to table the motion. The motion to table was lost by the following vote:

**Yeas—9.**

Beck.	Neal.
Berkeley.	Parrish.
Hardin.	Thomason.
Holbrook.	Woodward.
Hornsby.	

**Nays—10.**

Cousins.	Pollard.
Cunningham.	Stevenson.
DeBerry.	Westbrook.
Gainer.	Wirtz.
Miller.	Witt.

Present—not voting.

Williamson.

Absent.

Greer.	Patton.
Hyer.	

(Pairs Recorded).

Senator Love (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator McFarlane (present), who would vote yea with Senator Parr (absent), who would vote nay.

Senator Small (present), who would vote yea with Senator Moore (absent), who would vote nay.

Senator Woodul (present), who would vote yea with Senator Martin (absent), who would vote nay.

The question recurred upon the motion to re-refer the bill.

**Motion to Adjourn.**

Senator Stevenson moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

**Yeas—9.**

Cousins.	Stevenson.
Cunningham.	Westbrook.
DeBerry.	Wirtz.
Gainer.	Witt.
Miller.	

**Nays—16.**

Beck.	Parrish.
Berkeley.	Patton.
Hardin.	Pollard.
Holbrook.	Small.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Woodul.
Neal.	Woodward.

Absent.

Greer.	Moore.
Hyer.	

Absent—Excused.

Martin.	Russek.
Parr.	

**Senate Bill No. 44.**

The question recurred upon the motion to re-refer S. B. No. 44.

Senator Hornsby moved the previous question on the motion. The previous question was ordered by the following vote:

**Yeas—13.**

Beck.	Patton.
Holbrook.	Small.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Woodul.
Neal.	Woodward.
Parrish.	

**Nays—10.**

Berkeley.	Miller.
Cunningham.	Pollard.
DeBerry.	Thomason.
Gainer.	Wirtz.
Hardin.	Witt.

Present—not voting.

Cousins.

Absent.

Greer.	Moore.
Hyer.	Stevenson.

Absent—Excused.

Martin.	Russek.
Parr.	

**Motion to Adjourn.**

Senator Westbrook moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

## Yeas—9.

Cousins.	Pollard.
Cunningham.	Westbrook.
DeBerry.	Wirtz.
Gainer.	Witt.
Miller.	

## Nays—15.

Beck.	Parrish.
Berkeley.	Patton.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Love.	Woodul.
McFarlane.	Woodward.
Neal.	

## Absent.

Greer.	Stevenson.
Moore.	

## Absent—Excused.

Hyer.	Parr.
Martin.	Russek.

## Point of No Quorum Raised

Senator Woodul raised the point of order that no quorum was present. The roll call showed 19 present.

## Present.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Pollard.
Cunningham.	Small.
DeBerry.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Gainer.	Parr.
Greer.	Patton.
Hyer.	Russek.
Martin.	Stevenson.
Miller.	Witt.
Moore.	Wirtz.

Senator Holbrook moved a call of the Senate. The call was ordered.

The Chair instructed the Sergeant-at-Arms to close the doors and bring in enough Senators to establish a quorum.

## Motion to Adjourn.

Senator Patton moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

## Yeas—2.

Cunningham.	Thomason.
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## Nays—17.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Hardin.	Small.
Holbrook.	Williamson.
Hornsby.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Gainer.	Russek.
Greer.	Stevenson.
Hyer.	Westbrook.
Martin.	Witt.
Miller.	Wirtz.
Moore.	

## Absent—Excused.

Parr.
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## Adjournment.

On motion of Senator Woodward, the Senate, at 7:00 o'clock p. m., adjourned until 10:00 o'clock tomorrow morning.

## APPENDIX.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 9, A bill to be entitled "An Act authorizing the Governor to appoint a commission of three citizens of the State of Texas to acquire, by purchase, condemnation or otherwise, all remaining property now privately owned in block bound by Alamo Plaza, Nacogdoches and East Houston Streets in the City of San Antonio, surrounding the historic Alamo, for the State of Texas; prescribing the duties of such commission, and describing the land to be purchased; authorizing condemnation proceedings; making appropriation for the acquisition thereof and the expenses in connection therewith; directing how and when the same shall be paid for; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 25, A bill to be entitled "An Act providing for the collection, housing and care of the historical and natural history museum materials in Texas, beginning September 1, 1929, giving power to the University of Texas to gather such materials and to apply to that end the funds herein appropriated and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 17, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certifi-

cate, preorganization certificate or receipt, subscription or re-organization certificate, note, bond, debenture, mortgage certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit sharing or participation agreement, certificate of interest in or under an oil, gas or mining lease of title, or any certificate or instrument representing or secured by any interest in any or all of the capital, property, assets, profits, or earnings of any company, investment contracts, discount certificate, or any other instrument commonly known as a security, whether similar to those herein referred to or not, and providing for the registration of certain persons and companies dealing in securities; this Act being a Blue Sky Law superseding the present Blue Sky Law of this State; conferring powers and imposing duties on the Secretary of State and Attorney General and otherwise providing for the administration of this Act; providing for judicial ascertainment and the taking of appeals; prescribing penalties and making appropriations; repealing all laws and parts of laws in conflict herewith; enacting all necessary provisions incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, June 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest United States census of not less than eighty-four thousand four hundred and not more than eighty-four thousand four hundred seventy-five, and prescribing the manner of payment of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and

that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 4, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 26, A bill to be entitled "An Act fixing the salary of court reporters in counties having a population of less than one hundred thousand and having a city of more than forty-four thousand according to the latest United States Census, and prescribing the manner of its payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, June 4, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 16. A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Woodul, Wirtz, S. B. No. 16.  
Love, Hyer.

#### A BILL

#### To Be Entitled

An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act; providing that nothing in this Act shall be held to repeal or amend any general law of this State other than Article 1302, pertaining to the creation of corporations, the power

and duties thereof or limitations thereon, or to repeal any law that forbids the creation of any corporation; providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State other than Article 1302 as amended; providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of the law or the practice of any of the healing arts and sciences or acting as insurance agencies; providing that no corporation chartered under Article 1302 as herein amended shall embrace within its purpose clause contradictory or incompatible purposes and further providing that all corporations created under this Act shall be required, after filing their charters or amendments thereto with the Secretary of State, to record the same or a copy thereof duly certified to by the Secretary of State at length in the minutes of the board of directors in the principal office of the corporation and in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do business in this State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1302 of the Revised Civil Statutes of the State of Texas of 1925, be, and the same is hereby, amended to read as follows:

Article 1302. Private corporations may be formed for any lawful purpose or purposes, except as herein-after in this Act specified.

Sec. 2. No corporation chartered under the provisions of Article 1302 as hereinabove set out shall embrace within the purpose clause of its charter contradictory or incompatible purposes.

Sec. 3. Nothing in this Act contained shall be construed or held to alter, repeal or amend any general law of this State other than Article 1302 pertaining to the creation of corporations or the powers and duties thereof or limitations thereon or any law of this State that forbids the creation of any corporation.

Sec. 4. No corporation created under Section 1 hereof shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State enumerated in Section 3 hereof.

"Nor shall any corporation have the power to acquire or own lands in the State of Texas except for the purposes not inhibited by Chapter 4 of Title 32 of the Revised Statutes of 1905, and its corporate purposes with reference to lands in Texas shall be limited to purchasing, improving, selling and subdividing real property in towns, cities and villages and their suburbs (not extending more than two miles beyond their limits), or lands within water control and improvement districts, water improvement districts, levee improvement districts and drainage districts organized under the laws of the State of Texas."

Sec. 5. No corporation created under Section 1 hereof shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences, or the acting as local, recording, or general agent for any insurance company.

Sec. 6. Each and every corporation created under the provisions of this Act shall be required, after filing its charter or amendments thereof with the Secretary of State, to record the same or a copy thereof duly certified by the Secretary of Texas at length in the minutes of the board of directors of such corporation and shall have the same recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall transact any business in this State.

Sec. 7. The fact that the present law under which private corporations of the nature specified in this Act are chartered is uncertain, inadequate and ambiguous, creating uncertainty as to charter powers of corporations and requiring constant and continuous amendments thereto, subjecting citizens to grave inconvenience and expense, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days in each House be suspended and said rule is hereby suspended and said public emergency is hereby declared and it is enacted

that this Act shall take effect and be in force from and after its passage.

### THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, June 5, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Pink Parrish.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Galner.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Parr.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Senator Hornsby:

S. B. No. 61, A bill to be entitled "An Act providing for the purchase of certain real estate located in the city of Austin, north of the Capitol Building and south of Fourteenth Street for State purposes; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller:

S. B. No. 62, A bill to be entitled "An Act limiting the amount of